

Volume 27, Number 23
Pages 2121-2252
December 2, 2002



MATT BLUNT

SECRETARY OF STATE

MISSOURI REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or “official” without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

MATT BLUNT

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

EDITORS

BARBARA McDOUGAL

JAMES McCLURE

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

TIFFANY M. DAVIS

PUBLISHING STAFF

WILBUR HIGHBARGER

CARLA HERTZING

JOHN C. STEGMANN

ADMINISTRATIVE STAFF

SANDY SANDERS

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.state.mo.us/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.state.mo.us/adrules/csr/csr.asp>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo 2000. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sosmail.state.mo.us.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

EMERGENCY RULES

| | |
|------------------------------|-------|
| Department of Revenue | |
| Director of Revenue | .2125 |
| Elected Officials | |
| Secretary of State | .2125 |

PROPOSED RULES

| | |
|---|-------|
| Department of Economic Development | |
| Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects | .2127 |
| State Board of Registration for the Healing Arts | .2146 |
| Landscape Architectural Council | .2146 |
| State Board of Nursing | .2150 |
| Missouri Board of Occupational Therapy | .2151 |
| Public Service Commission | .2159 |
| State Committee for Social Workers | .2169 |
| Department of Elementary and Secondary Education | |
| Division of Administrative and Financial Services | .2191 |
| Division of School Improvement | .2191 |
| Teacher Quality and Urban Education | .2198 |
| Department of Public Safety | |
| Missouri State Highway Patrol | .2200 |
| Peace Officer Standards and Training Program | .2202 |
| Department of Revenue | |
| Director of Revenue | .2203 |
| Department of Social Services | |
| Division of Medical Services | .2209 |
| Elected Officials | |
| Secretary of State | .2217 |
| Retirement Systems | |
| Highway and Transportation Employees and Highway Patrol Retirement System | .2219 |
| The County Employees' Retirement System | .2219 |

| | |
|--------------------------------|-------|
| Department of Insurance | |
| Property and Casualty | .2219 |

ORDERS OF RULEMAKING

| | |
|---|-------|
| Department of Economic Development | |
| State Board of Pharmacy | .2222 |
| Department of Natural Resources | |
| Air Conservation Commission | .2222 |
| Department of Social Services | |
| Division of Family Services | .2222 |
| Department of Insurance | |
| Property and Casualty | .2223 |

IN ADDITIONS

| | |
|---|-------|
| Department of Economic Development | |
| Division of Credit Unions | .2224 |
| Department of Health and Senior Services | |
| Missouri Health Facilities Review Committee | .2224 |

| | |
|---------------------|-------|
| DISSOLUTIONS | .2226 |
|---------------------|-------|

BID OPENINGS

| | |
|---------------------------------|-------|
| Office of Administration | |
| Division of Purchasing | .2227 |

| | |
|----------------------------------|-------|
| RULE CHANGES SINCE UPDATE | .2228 |
| EMERGENCY RULES IN EFFECT | .2238 |
| REGISTER INDEX | .2240 |

| Register Filing Deadlines | Register Publication Date | Code Publication Date | Code Effective Date |
|------------------------------|------------------------------|--------------------------|------------------------|
| August 30, 2002 | October 1, 2002 | October 31, 2002 | November 30, 2002 |
| September 16, 2002 | October 15, 2002 | October 31, 2002 | November 30, 2002 |
| October 1, 2002 | November 1, 2002 | November 30, 2002 | December 30, 2002 |
| October 15, 2002 | November 15, 2002 | November 30, 2002 | December 30, 2002 |
| November 1, 2002 | December 2, 2002 | December 31, 2002 | January 30, 2003 |
| November 15, 2002 | December 16, 2002 | December 31, 2002 | January 30, 2003 |
| December 2, 2002 | January 2, 2003 | January 29, 2003 | February 28, 2003 |
| December 16, 2002 | January 16, 2003 | January 29, 2003 | February 28, 2003 |
| January 2, 2003 | February 3, 2003 | February 28, 2003 | March 30, 2003 |
| January 16, 2003 | February 18, 2003 | February 28, 2003 | March 30, 2003 |
| February 3, 2003 | March 3, 2003 | March 31, 2003 | April 30, 2003 |
| February 18, 2003 | March 17, 2003 | March 31, 2003 | April 30, 2003 |
| March 3, 2003 | April 1, 2003 | April 30, 2003 | May 30, 2003 |
| March 17, 2003 | April 15, 2003 | April 30, 2003 | May 30, 2003 |
| April 1, 2003 | May 1, 2003 | May 31, 2003 | June 30, 2003 |
| April 15, 2003 | May 15, 2003 | May 31, 2003 | June 30, 2003 |
| May 1, 2003 | June 2, 2003 | June 30, 2003 | July 30, 2003 |
| May 15, 2003 | June 16, 2003 | June 30, 2003 | July 30, 2003 |
| June 2, 2003 | July 1, 2003 | July 31, 2003 | August 30, 2003 |
| June 16, 2003 | July 15, 2003 | July 31, 2003 | August 30, 2003 |

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

| | | | |
|---|--|--|---|
| Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689 | Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593 | Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802 | Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007 |
| Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 | Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279 | Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 | Kinderhook Regional Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148 |
| St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376 | Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757 | Missouri Southern State College Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9770 | ESTEP Library Southwest Baptist University 1601 S. Springfield Street Bolivar, MO 65613-2597 (417) 326-5281 |
| St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2756 | Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141 | Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3075 | Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646 |
| Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 | Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656 | Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711 | Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 |
| Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084 | Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149 | Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733 | West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865 |
| Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484 | Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400 | Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083 | Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621 |
| St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 | Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438 | Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 | Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533 |
| Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494 | University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281 | School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125 | |
| St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997 | B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841 | Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6292 | |
| Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416 | River Bluffs Regional Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151 | | |

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

| Title | Code of State Regulations | Division | Chapter | Rule |
|------------|---------------------------|------------------|------------------------|-------------------------|
| 1 | CSR | 10- | 1. | 010 |
| Department | | Agency, Division | General area regulated | Specific area regulated |

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

EMERGENCY AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2003 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2003.

EMERGENCY STATEMENT: The director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the remaining 2002 calendar year. The director finds that there is an immediate danger to the public welfare which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the

Missouri and United States Constitutions. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed November 15, 2002, effective January 1, 2003, expires June 29, 2003.

(1) Pursuant to section 32.065, RSMo, the director of revenue, upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release [G. 13(415)] **H.15(519)** for the month of September of each year, has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

| Calendar Year | Rate of Interest on Unpaid Amounts of Taxes |
|------------------|---|
| 1995 | 12% |
| 1996 | 9% |
| 1997 | 8% |
| 1998 | 9% |
| 1999 | 8% |
| 2000 | 8% |
| 2001 | 10% |
| 2002 | 6% |
| 2003 | 5% |

AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 15, 2002, effective Jan. 1, 2003, expires June 29, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 200—State Library**

EMERGENCY RULE

15 CSR 30-200.030 Public Access Computers in Public Libraries

PURPOSE: This rule establishes procedures for the administration of public library public access computers for the purposes of limiting access to material that is pornographic to minors. These procedures are administered by the state librarian under the direction of the secretary of state.

EMERGENCY STATEMENT: This emergency rule informs state agencies, public libraries, and the public of procedures public libraries can follow to certify compliance with regulations listed in statutes 182.825 and 182.827, RSMo. These procedures pertain to the administration of public access computers and the limitation of access to material that is pornographic to minors. This emergency rule is established for the compelling governmental interest that statutes 182.825 and 182.827, RSMo require public libraries to be in compliance with the procedures included herein by January 1, 2003. Due to the statutory requirements for filing a proposed rule, there is no possibility of filing compliance procedures in time for the deadline of January 1, 2003. If no procedures are available on January 1, 2003, public libraries will have no means by which to certify compliance of these regulations. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency

and complies with the protections extended in the Missouri and United States Constitutions. The Missouri State Library believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 13, 2002, effective November 23, 2003 and expires April 29, 2003.

(1) Definitions. As used in this rule, the following terms shall mean:

(A) "Public library" is a library established and maintained under the provisions of the library laws or other laws of the state related to libraries, primarily supported by public funds and designed to serve the general public. A public library must be legally established according to the provisions of current or other laws of the state related to libraries;

(B) "Secretary" is the Missouri secretary of state;

(C) "State librarian" is the Missouri state librarian;

(D) "Pornographic for minors," as that term is defined in section 573.010, RSMo;

(E) "Minor," as that term is defined in section 573.010, RSMo;

(F) "Public access computer," as that term is defined in section 182.825, RSMo.

(2) The state librarian will administer procedures in accordance with the provisions set forth herein and in applicable state laws.

(3) One (1) of the following requirements must be met by a public library in regards to limiting access to material that is pornographic to minors:

(A) A public library must equip any public access computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors; or

(B) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.

(4) Certification of Compliance.

(A) In order to be found in compliance with the state library's rule, a public library must certify itself to be in compliance:

1. By filing a certification form, designated by the state library and available on the state library's website <http://www.sos.state.mo.us/library/> with the state librarian or his/her designee; and

2. One or the other of the following:

A. Attaching a copy of the library's Internet usage policy; or

B. Naming the filtering software to be used.

(B) This certification is to be submitted—

1. In the first year of certification, by the date set by the Missouri State Library.

(5) Noncompliance.

(A) Any "public library or public library board member, officer, employee or trustee" not willing to submit such certification of compliance will be found noncompliant with this rule.

(6) Compliance forms, designated by the state library and available on the state library's website <http://www.sos.state.mo.us/library/>, should be filed with the State Library, which is located in Room 200 of the James C. Kirkpatrick State Information Center, 600 West Main Street, Jefferson City, Missouri.

(7) Public libraries filing certification should include in their filing a signed and dated copy of the appropriate compliance form as well as all required paperwork which includes the following—

(A) Compliance form, available on the state library's website <http://www.sos.state.mo.us/library/>;

(B) Copy of:

1. Library's Internet Usage Policy; or

2. Name of the Internet filtering software in place on public access computers in the library.

AUTHORITY: sections 182.825 and 182.827, RSMo Supp. 2002. Emergency rule filed Nov. 13, 2002, effective Nov. 23, 2002, expires April 29, 2003. A proposed rule covering this same material is published in this issue of the Missouri Register.